

REMARKSRequest for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the Claims, amendments to the Specification, new Abstract, 131 Declaration and the following remarks.

Claims Status

Claims 1-20 are pending in this Application.

Claims 1-4, 6 and 19 have been amended herein in their first or second line to replace "toner particle" with "toner particles". Such amendment is done for purposes of grammar only.

Claim 1 has also been amended herein to delete the "["]" and to change "and" for "or" in certain locations. Such amendment is deemed to be simply grammatical in nature.

Specification Amendments

The Specification has been amended on page 8, starting at line 9 going over to page 9, line 12. Such amendment is grammatical in nature and brings the disclosure bridging pages 8 and 9 in line with the Summary of the Invention as recited on page 7.

Specification Objections

The Abstract of the Disclosure had been objected to and a revised Abstract has been called for which included general formula (1).

A new Abstract is attached hereto which includes general formula (1).

Rejection of Claims Under Nagase

Claims 1-20 have been rejected as being anticipated by Nagase, JP-2003-167385. Nagase is Applicants' Invention and, thus, not the work of another. Nagase has a Publication date less than one year prior to the filing of this Application, thus, Nagase is not a 102(b) reference. Since Nagase is not the work of another, Nagase is not prior art under 102(a) either.

In order to evidence the fact that Nagase is the invention of the Applicants, a 131 Declaration is attached hereto. It will be noted that the name of Mr. Hiroshi and Mr. Ohmura was misspelled in the Japanese Publication and the Declaration attests to this fact. Respectfully, Nagase is not prior to this Application.

Rejection Based on Yamaga and Sato

The Examiner takes the position that both Yamaga and Sato, although being silent on the horizontal diameter of the colorant and the desired ratio, would inherently teach the same or that it would be obvious to one of skill in the art to adjust the size and the ratio to fall within the claims. Applicants respectfully disagree.

Neither Yamaga nor Sato teaches particle size of the colorant in the toner. Furthermore, these references are not seen as teaching how much of the colorant is dispersed within the toner. In their Examples, it is not seen that any concrete disclosure is given concerning the size of the colorant particle in the toner. Thus, it is respectfully submitted that these references do not inherently disclose either the size or the ratio as recited in the claims for the colorant.

Furthermore, the criticality of the size and the presence of the colorant are taught in the instant Application. In Table 1 on page 125, it can be seen that the colorant in Toner 5 has both a Feret's average horizontal diameter that falls within the claimed range of 10 to 500; and the ratio of over 50% of the colorant having Feret's horizontal diameter of 2 to 300 nm. In contrast, Toner No. 8, which also employs the same colorant, has a Feret's average horizontal diameter of 610 nm; and the ratio of particles in the Feret's horizontal diameter is below 50%, in that it is 5%. Both values are outside the claims of this Application.

Comparing Toner 5 with Toner 8, the Examiner's attention is directed to Table 3 on page 127 of the Application. Toner 5 is employed in Developer No. 5 while Toner 8 is employed in Developer No. 8. As can be seen in Table 3, Developer No. 8 is far inferior to Developer No. 5. Thus, it can be seen the criticality of the size of ratio limitations as recited in the claim.

Additionally, the criticality of the compound employed by the present Invention can also be seen. A comparison of Toner No. 5 with Toner No. 6 can be made because Toner No. 6 does not employ a compound of general formula (1). It is noted, however, that Toner No. 6 did meet the Feret's average horizontal diameter and the ratio limitations of the claim. Feret's average horizontal diameter is 480 while the ratio was 51%. Comparing Toner 5 to Toner 6, as shown in Table 3, Toner 6 being employed in Developer No. 6, it can be seen that Toner No. 5 is far superior to Toner No. 6.

Respectfully, Applicants' data demonstrates the significance of the size and ratio limitations of the claims of the present Invention and such data refute that the claimed subject matter would be an obvious variant from the prior art.

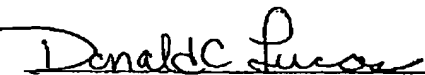
Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested. Should any fees or extensions of time be necessary in order to maintain this Application in pending condition,

appropriate requests and hereby made and authorization is
given to debit Account No. 02-2275.

Respectfully submitted,

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DCL/mr

Encl: Executed Rule 131 Declaration